Securing the Rights of Inmates

What is the issue?

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The concern over the situation prevailing in India’s prisons has been related to overcrowding and long spells of incarceration faced by inmates who are too poor to obtain bail.

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What is the situation prevelant in prison?

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- In 1980, the human right violation that attracted everyone’s attention is the horrific blinding of prisoners that took place in Bhagalpur.
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- Recently, the brutal murder of a woman life convict in the Byculla women’s prison has brought the focus back on custodial violence.
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- It showcased the **vulnerability of inmates** to authoritarian behaviour.
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- There is also an allegation that prison guards targeted a woman lifer (person who is serving life sentence) in the Yerwada Prison in Pune over some missing rations.
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- In this case, it is said she incurred the wrath of the guards because of her rising popularity.
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- This situation has even led to a riot-like situation among the prisoners.
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What do the courts say in this regard?

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- The judiciary’s approach has been based on, “the fundamental rights do not part company with the prisoner at the gates”.

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- In the last half century, the superior courts of the country have passed a series of orders to reform jails.
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- Notably, the Bombay High Court in March 2017 has directed the Maharashtra government to undertake a comprehensive review of the conditions in three major prisons in the State.
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- As per the March court order, an empowered committee was to be constituted to look into all aspects of the jails.
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- This must be done in the light of Supreme Court decisions, **the Model Prison Manual of 2016** and relevant UN resolutions.
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- The panel was also suggested to take measures to **create modern jails and modernise amenities.**
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- The issues that appeared in court orders range from prisoners' rights, health, hygiene and access to legal aid, to the condition of women inmates and their children.
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- According to **the model jail manual** which was released by the Home Ministry, the state is under an obligation to protect the residuary rights of prisoners after they surrender their liberty to a legal process.
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- Prison reforms are not only about amenities and conditions; they must also address the prisoner's right to life.
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What does the Model Jail Manual say?

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- It aims at bringing in basic uniformity in laws, rules and regulations governing the administration of prisons and the management of prisoners all over the country.
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- The chapters dealt and the key revisions made in the new Manual include the following:
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- Access to free legal services – Based on **Article 39A** of the Constitution.
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- Additional provisions for women prisoners – This is drawn from the United

Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders adopted by the UN General Assembly **(UN Bangkok Rules).**
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- Rights of prisoners sentenced to death – thereby recognising the necessity of ensuring the human rights of such prisoners.
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- Modernisation & Prison computerisation – to encourage use of technology/software systems where possible.
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- **Focus on after-care services** – to devise and develop mechanisms for rehabilitation of released convicts.
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- Provisions for children of women prisoners – to ensure holistic development of children of women prisoners.
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- Organisational uniformity and increased focus on prison correctional staff
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- **Inspection of Prisons** – to help identify existing issues and deficiencies which could then be remedied through appropriate action.
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Source: The Hindu & PIB

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